
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.131 OF 2024

Reliance Asset Reconstruction
Company Limited & Anr.

.... Petitioners

Versus

The State of Maharashtra & Ors.

.... Respondents

Mr. Charlis D'souza a/w. *Mr. Nikhil Rajani i/b. V. Deshpande & Co., Advocates for Petitioners.*

Mr. A.I. Patel, a/w. *Mr. R.S. Pawar, AGP for Respondent-State.*

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : JANUARY 16, 2024

P. C.

1. The above Writ Petition is filed seeking a direction to Respondent No.2 to execute and implement the order dated 26th November, 2020 passed by the District Magistrate, Thane under Section 14 of the SARFAESI Act, 2002.

2. Mr. D'souza, the learned counsel appearing on behalf of the Petitioners submitted that after the filing of the present Petition, now

the date is fixed on 30th January, 2024 for taking physical possession of the secured assets which form the subject matter of the Section 14 order [more particularly described in **Exhibit-A** of the Petition]. For the sake of convenience, the details of the secured assets of which physical possession is to be taken is reproduced hereunder:

(i) Flat No.C-1401, admeasuring at about 891 sq.ft., (Built up), 14th Floor, Seawoods Garden, situated at Plot No.4 & 6, in Sector 17, Sanpada, Navi Mumbai;

(ii) Flat No.C-1402, admeasuring at about 1141 sq.ft., (Built up), 14th Floor, Seawoods Garden, situated at Plot No.4 & 6, in Sector 17, Sanpada, Navi Mumbai;

3. Considering this development, the following order is passed:-

(a) Respondent No.2 shall take physical possession of the above mentioned secured assets on 30th January, 2024 at 11.30 a.m.

(b) To ensure that Respondent No.2 is in a position to take physical possession of the secured assets, we direct the Senior Police Inspector of the local Police Station to give all necessary assistance to Respondent No.2 [including deputing adequate number of police personnel] so that Respondent No.2 can take physical possession to the secured assets and hand over the same to the Authorized Officer of the Petitioner, failing which the concerned Senior Police Inspector shall be liable for contempt. All costs, charges and expenses payable for the aforesaid police assistance shall be paid by the Petitioners.

c) The Authorized Officer of the Petitioners is also directed to

remain present at site on 30th January, 2024 at 11.30 a.m. so that physical possession of the secured assets can be handed over to the Authorized Officer of the Petitioners.

4. The above Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

5. Though we have disposed of the above Writ Petition, we now place the above Writ Petition on board on 31st January, 2024 for reporting compliance.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]